IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 12439 of 2004

Between:

1 Syed Sharfuddin S/o Syed Anwar Hussain
R/o H. No. 2-1-1/1, Miyan Pur dist Ranga Reddy District
2 Mohd.Khaja S/o Mohd Pasha
R/o H.No. 9-11-87, Golconda Fort, Hyderabad **..... PETITIONERS**

AND

1 The Joint Sub-Registrar-I, Office of the District Registration Office,
Moosapet, Ranga Reddy District
2 The District Registrar, Office of the District Registration Office,
Moosapet, Ranga Reddy District
3 The Inspector General of Stamps and Registration Office of the IG of Stamps

& Registration Golconda X Roads, Hyderabad
4 V. Balaramulu S/o V. Sattaiah
Secretary of M/s. Samatha Co-op Housing Society Ltd., (TBC No. 585), R/o

H. NO. B-926, Allwyn Colony, Kukat Pally
Balanagar Mandal RR District
5 M/s. Samatha Co-op Housing Society Ltd., (TBC No 585) Regd Office at

Miyanpur village RR District
rep. by Secretary Mr. V. Balaramulu S/o V. Satthaiah
6 Mr. B.C. Janaradhan Reddy S/o B.C. Guru Reddy,
r/o Plot No. 1069, Road No. 45, Jubilee Hills, Hyderabad**....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order particularly writ in the nature of Mandamus declaring the inaction of the respondents no 1 and 2 herein in not refusing to register the pending Registration sale deed under Document No. 277/2004 dt. 17th June, 2004 presented by the respondent No.4 on behalf of the respondent No.5 in favour of the respondent No6 in respect of land bearing Sy. NO. 69 admeasuring 6A 20 Gts. of

Miyapur Village, Serilingampally Mandal Ranga Reddy District and not taking action against the respondent No.4 herein under Section 82(a) of the Registration Act, 1908 in pursuance of the Complaint of the petitioners dt 1st July 2004 as illegal, arbitrary mala fide on their part.

Counsel for the Petitioner: MR.BAJRANG SINGH THAKUR

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the inaction of the respondents 1 and 2 in refusing to register the Sale Deed under Document No.277/2004 dated 17-06-2004 presented by the respondent No.4 on behalf of the respondent No.5 in favour of the respondent No.6 in respect of the land in survey No.69 admeasuring Ac.6-20 guntas of Miyapur village, Serilingampally Mandal, Rangareddy District, and in taking action against the respondent No.4 under Section 82(a) of the Registration Act, 1908 (for short 'the Act') in pursuance of the complaint dated 01-07-2004 filed by the petitioners as illegal and arbitrary.

The facts, in brief, are that the petitioners approached the fourth respondent, who is the Secretary of fifth respondent-Housing Society, to purchase the land which belongs to the fifth respondent-Housing Society, who agreed to sell the said property for a total consideration of Rs.55,00,000/- and executed an agreement of sale dated 28-12-2002 in favour of the petitioners and received part of sale consideration. From out of the amount paid by the petitioners, fourth respondent paid deficit stamp duty, for registration of Sale Deed No.P-9/97 and got it registered as regular sale deed No.2514/2004 on 05-03-2004. While so, the fourth respondent, suppressing the said agreement of sale and receipt of part of sale consideration, tried to sell and register the very same property in favour of the sixth respondent. Then, the petitioners lodged a complaint under Section 71 of the Act against the fourth respondent before the respondents 1 to 3 seeking cancellation of pending registration in favour of the sixth respondent and requested to proceed under Section 82 of the Act

against him. As the respondents 1 and 2 are not taking any action against the said complaint, the present writ petition is filed.

The main dispute in this writ petition is in between the petitioners and respondents 4 and 5. In view of the same, it is clear that the subject matter involved in the present writ petition is not public interest litigation, but private interest litigation. Since private interest litigation cannot be resolved and it cannot be a subject matter of the writ petition filed under Article 226 of the Constitution of India, I do not see any merit in the present writ petition.

The writ petition is accordingly dismissed at the admission stage.

However, the petitioners are at liberty to work out their remedies before the appropriate Forum against respondents 4 and 5.

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19-07-2004

ghn/tsnr

To

1 The Joint Sub-Registrar-I, Office of the District Registration Office, Moosapet, Ranga Reddy District
2 The District Registrar, Office of the District Registration Office, Moosapet, Ranga Reddy District

3 The Inspector General of Stamps and Registration Office of the IG of Stamps & Registration
Golconda X Roads, Hyderabad

4. Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad.

5. Two CD copies